

IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1858.—Ordered to be printed.

Mr. IVERSON made the following

REPORT.

[To accompany bill S. 282.]

*The Committee on Claims, to whom was referred the petition of Bernard M. Byrne, a surgeon in the United States army, report:*

In the summer of 1838 the petitioner was an assistant surgeon in the army of the United States, and stationed at Fort Gilleland, in Florida. The surrounding country being infested by hostile Indians, a large number of the inhabitants were driven from their homes and compelled to seek protection in the vicinity of the fort, and so destitute was their condition that Congress, on the 1st of February, 1836, passed a joint resolution authorizing the President to cause rations to be issued to them from the public stores. It is further represented, that the privations and exposures to which the people were thus exposed caused sickness to prevail amongst them, and there being no physician within twenty miles of the post, except the claimant, the commanding officer, who had been directed by the government to protect the fugitive inhabitants from starvation by feeding them from the public stores, deemed it also to be his duty to provide them with the medical services which their condition rendered so essential to them, and which they had no other means of obtaining; he accordingly entered into a contract with Dr. Byrne to render the necessary professional assistance for \$100 per month; and Capt. Beale certifies that the services were diligently and faithfully rendered from the 17th of April to the 22d of October, 1838, and that, "had it not been for the skill and unremitting attention of Dr. Byrne, the situation of those poor people would have been truly deplorable, as there was not, during almost the whole of said time, any physician within twenty miles of that post." These facts are stated in a report made to the House of Representatives at the 3d session 25th Congress, No. 213, which states that the contract and certificate were then before the committee, but they have since been lost; but the facts are substantially certified to by the Hon. Mr. Yulee in a letter addressed to the chairman of this committee, which is amongst the papers.

Although, in a strictly legal point of view, the officer may not have had the technical authority to enter into such a contract, yet the com-

mittee regard the urgent necessity of the case as affording a reasonable justification of the course he pursued ; and, as the compensation stipulated was a moderate one, and the service was necessary, and faithfully performed, they think the amount claimed, viz: \$616 26, ought to be paid, and they report a bill accordingly and recommend its passage.